

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

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FRANCESCA GINO, )  
v. Plaintiff, ) Civil Action No. 1:23-cv-11775-MJJ  
PRESIDENT AND FELLOWS OF )  
HARVARD COLLEGE, SRIKANT DATAR, )  
JOHN DOES 1-10, AND JANE DOES 1-10, )  
Defendants. )  
)

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**PARTIAL MOTION TO DISMISS  
PLAINTIFF'S THIRD AMENDED COMPLAINT**

Defendant President and Fellows of Harvard College (“Harvard”) hereby moves, pursuant to Federal Rule of Civil Procedure 12(b)(6), to dismiss with prejudice Count VIII of Plaintiff’s Third Amended Complaint, Doc. No. 126, for failure to state a claim upon which relief can be granted. In support of its motion, Harvard submits and files herewith the accompanying Memorandum of Law in Support of Harvard’s Partial Motion to Dismiss Plaintiff’s Third Amended Complaint.

Dated: August 18, 2025

Respectfully submitted,

*/s/ Douglas E. Brayley*

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Datar*

**CERTIFICATION PURSUANT TO L.R. 7.1(a)(2)**

I, Douglas E. Brayley, hereby certify that counsel for Harvard conferred in good faith with counsel for Plaintiff in an effort to resolve or narrow the issues presented in this motion. Counsel for the parties were unable to resolve or narrow the issues presented in this motion.

Dated: August 18, 2025

/s/ *Douglas E. Brayley*

Douglas E. Brayley

**CERTIFICATE OF SERVICE**

I hereby certify that on August 18, 2025, this document, filed through the CM/ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

Dated: August 18, 2025

/s/ Douglas E. Brayley  
Douglas E. Brayley